

REMARKS/ARGUMENTS

Claims 1 and 3 – 10 are presented for reconsideration and further examination in view of the foregoing amendments and following remarks. Claim 2 has been canceled.

In the outstanding Office Action, the Examiner objected to the Abstract as being in claim format and is requiring correction thereof; objected to the drawings as not showing every feature of the invention specified in the claims; rejected claims 1 – 9 under 35 U.S.C. §112, second paragraph as being indefinite; and rejected claims 1, 3 – 7 and 9 – 10 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0116828 to Warashian, et al. (hereinafter referred to as the “Warashian et al. ‘828 publication”).

By this Response and Amendment,

the abstract has been amended to obviate the Examiner’s objection thereto;

the specification has been amended to provide a reference numeral for a “drive shaft;”

the drawing figure has been amended to include reference to a drive shaft “99.”

independent claim 1 has been amended to include the features of allowable claim 2 and to clear up any confusion related to the transition phrase;

claim 2 has been cancelled;

claim 7 has been amended to delete the phrase “of said casing;”

claim 8 has been amended to delete the phrase “in particular;”

independent claim 9 has been amended to include the features of allowable claim 2;

claims 3 – 8 have been amended to replace the phrase “characterized in that” with the term – wherein–; and

claim 10 has been amended to replace the phrase “characterized by” with the phrase –and further–.

Support for the amendments to claims 1 and 9 can be found in originally filed claim 2. Therefore, it is respectfully submitted that the above amendments do not introduce any new matter to this application within the meaning of 35 U.S.C. §132.

Objection to the Abstract

The Examiner objected to the Abstract for being in claim format.

Response

By this Response and Amendment, the Abstract has been amended in order to overcome the objection raised by the Examiner. Particularly, the Abstract is no longer in claim format.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to the Abstract.

Objection to the Drawings

The Examiner objected to the drawings for not including every feature recited in the claims, specifically asserting that the “drive shaft” recited in claim 1 must be shown in the figure.

Response

By this Response and Amendment, the drawing has been amended to include a “drive shaft” as recited in independent claim 1. The drawing has also been amended to include a second reference numeral “5” showing that the propeller shaft 5 extends from the splined portion 5a of the shaft 5 to the drive shaft. The drive shaft is represented in the figure as a rectangular box and is labeled “99.” Pursuant to 37 C.F.R. §1.83(a), “conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol

or a labeled representation (e.g. a labeled rectangular box).” Applicants assert that the “drive shaft 99 of motor 2,” as disclosed in the specification, is a conventional feature, which is not essential for a proper understanding of the invention. As such, the replacement drawing included with this Response and Amendment shows a box labeled 99, which represents a drive shaft, positioned between the motor 2 and the propeller shaft 5. Thus, with the addition of drive shaft 99, Applicants assert that every feature specified in the claims is shown in the drawings.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the objection to the drawings.

Rejections Under 35 U.S.C. §112, Second Paragraph

The Examiner rejected claims 1 – 9 as being indefinite, asserting that, in claims 1 and 9, the multiple use of transitional phrases is confusing in that it is not clear where the preamble of the claim ends and the body of the claim begins. Also, the Examiner asserted that there is no positive antecedent basis for “the casing” in claim 1; it is not clear which “casing” is being referred to in claim 7; and the use of the expression “in particular” in claim 8 is indefinite.

Response

By this Response and Amendment, claim 2 has been cancelled thereby rendering the rejection thereto moot; and claims 1 and 9 have been amended to remove the language reciting “characterized by comprising,” thereby removing confusion as to where the preamble of the claim ends and the body begins.

Also, claim 1 has been amended to change the phrase, “the casing” to –a casing– thereby providing antecedent basis for the term “casing.”

With respect to which “casing” is being referred to in claim 7, claim 7 formerly recited

“said first tubular portion of said casing” and now recites – said first tubular portion –, which was introduced in claim 3. The casing of claim 3 relates to a casing of the “tool head” recited in claim 1 as opposed to the casing of the “motor,” also recited in claim 1. As such, any previous confusion should now be obviated, as claim 7 no longer refers to a “casing,” but rather more simply refers to the first tubular portion.

Lastly, the phrase “in particular” has been removed from claim 8.

Thus, all of the rejections under 35 U.S.C. §112, second paragraph have been obviated. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejections to claims 1 – 9 as being indefinite.

Rejections Under 35 U.S.C. §102(b)

The Examiner rejected claims 1, 3 – 7 and 9 – 10 under 35 U.S.C. §102(b) as being anticipated by the Warashian et al. ‘828 publication.

Response

The Examiner indicated that claims 2 and 8 would be allowable if rewritten to include the features of the base claim and any intervening claim. By this Response and Amendment, independent claims 1 and 9, the only independent claims in the present application, have been amended to include all of the features of claim 2, in accordance with the Examiner’s indication of allowable subject matter. Applicants therefore assert that amended independent claims 1 and 9, and the respective claims dependent thereon, are allowable as all claims now contain allowable subject matter.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding rejections.

CONCLUSION

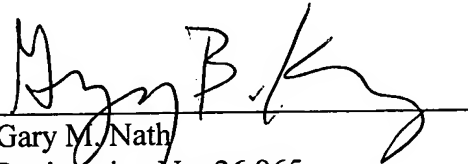
In light of the foregoing, Applicants submit that the application is now in condition for allowance. If the Examiner believes that the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,
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Date: March 7, 2005
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In the Drawings:

The attached sheet of drawings includes changes to the single figure. This sheet replaces the original drawing sheet of the figure.